

MESSAGE NO: 8113204

MESSAGE DATE: 04/22/2008

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CATEGORY: Countervailing

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PUBLIC ☒

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SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-913

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 04/15/2008 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: DISCONTINUATION OF SUSPENSION OF LIQUIDATION IN THE COUNTERVAILING
DUTY INVESTIGATION OF CERTAIN NEW PNEUMATIC OFF-THE-ROAD TIRES FROM CHINA
(C-570-913)

MESSAGE NO: 8113204

DATE: 04 22 2008

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CASES: C - 570 - 913

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PERIOD COVERED: 04 15 2008 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: DISCONTINUATION OF SUSPENSION OF LIQUIDATION IN THE
COUNTERVAILING DUTY INVESTIGATION OF CERTAIN NEW
PNEUMATIC OFF-THE-ROAD TIRES FROM CHINA (C-570-913)

1. IN KEEPING WITH THE WORLD TRADE ORGANIZATION AGREEMENT ON
SUBSIDIES AND COUNTERVAILING MEASURES, THE DEPARTMENT IS
DISCONTINUING THE SUSPENSION OF LIQUIDATION ON THE
COUNTERVAILING DUTY INVESTIGATION OF CERTAIN NEW PNEUMATIC
OFF-THE-ROAD TIRES FROM THE PEOPLE'S REPUBLIC OF CHINA
EFFECTIVE 04/15/2008, WHICH IS 120 DAYS AFTER THE DATE OF
PUBLICATION OF THE PRELIMINARY DETERMINATION. (72 FR 71360,
12/17/2007).

2. THE PRODUCTS COVERED BY THE SCOPE ARE NEW PNEUMATIC TIRES DESIGNED FOR OFF-THE-ROAD (OTR) AND OFF-HIGHWAY USE, SUBJECT TO EXCEPTIONS IDENTIFIED BELOW. CERTAIN OTR TIRES ARE GENERALLY DESIGNED, MANUFACTURED AND OFFERED FOR SALE FOR USE ON OFF-ROAD OR OFF-HIGHWAY SURFACES, INCLUDING BUT NOT LIMITED TO, AGRICULTURAL FIELDS, FORESTS, CONSTRUCTION SITES, FACTORY AND WAREHOUSE INTERIORS, AIRPORT TARMACS, PORTS AND HARBORS, MINES, QUARRIES, GRAVEL YARDS, AND STEEL MILLS. THE VEHICLES AND EQUIPMENT FOR WHICH CERTAIN OTR TIRES ARE DESIGNED FOR USE INCLUDE, BUT ARE NOT LIMITED TO:

(1) AGRICULTURAL AND FORESTRY VEHICLES AND EQUIPMENT, INCLUDING AGRICULTURAL TRACTORS (NOTE I), COMBINE HARVESTERS(NOTE II), AGRICULTURAL HIGH CLEARANCE SPRAYERS(NOTE III), INDUSTRIAL TRACTORS(NOTE IV), LOG-SKIDDERS(NOTE V), AGRICULTURAL IMPLEMENTS, HIGHWAY-TOWED IMPLEMENTS, AGRICULTURAL LOGGING, AND AGRICULTURAL, INDUSTRIAL, SKID-STEERS/MINI-LOADERS(NOTE VI);

(2) CONSTRUCTION VEHICLES AND EQUIPMENT, INCLUDING EARTHMOVER ARTICULATED DUMP PRODUCTS, RIGID FRAME HAUL TRUCKS(NOTE VII), FRONT END LOADERS(NOTE VIII), DOZERS(NOTE IX), LIFT TRUCKS, STRADDLE CARRIERS(NOTE X), GRADERS(NOTE XI), MOBILE CRANES, COMPACTORS; AND

(3) INDUSTRIAL VEHICLES AND EQUIPMENT, INCLUDING SMOOTH FLOOR, INDUSTRIAL, MINING, COUNTERBALANCED LIFT TRUCKS, INDUSTRIAL AND MINING VEHICLES OTHER THAN SMOOTH FLOOR, SKID-STEERS/MINI-LOADERS, AND SMOOTH FLOOR OFF-THE-ROAD COUNTERBALANCED LIFT TRUCKS(NOTE XII).

THE FOREGOING LIST OF VEHICLES AND EQUIPMENT GENERALLY HAVE IN COMMON THAT THEY ARE USED FOR HAULING, TOWING, LIFTING, AND/OR LOADING A WIDE VARIETY OF EQUIPMENT AND MATERIALS IN AGRICULTURAL, CONSTRUCTION AND INDUSTRIAL SETTINGS. THE FOREGOING DESCRIPTIONS ARE ILLUSTRATIVE OF THE TYPES OF VEHICLES AND EQUIPMENT THAT USE CERTAIN OTR TIRES, BUT ARE NOT

NECESSARILY ALL-INCLUSIVE. WHILE THE PHYSICAL CHARACTERISTICS OF CERTAIN OTR TIRES WILL VARY DEPENDING ON THE SPECIFIC APPLICATIONS AND CONDITIONS FOR WHICH THE TIRES ARE DESIGNED (E.G., TREAD PATTERN AND DEPTH), ALL OF THE TIRES WITHIN THE SCOPE HAVE IN COMMON THAT THEY ARE DESIGNED FOR OFF-ROAD AND OFF-HIGHWAY USE. EXCEPT AS DISCUSSED BELOW, OTR TIRES INCLUDED IN THE SCOPE OF THE PETITIONS RANGE IN SIZE (RIM DIAMETER) GENERALLY BUT NOT EXCLUSIVELY FROM 8 INCHES TO 54 INCHES. THE TIRES MAY BE EITHER TUBE-TYPE OR TUBELESS, RADIAL OR NON-RADIAL, AND INTENDED FOR SALE EITHER TO ORIGINAL EQUIPMENT MANUFACTURERS OR THE REPLACEMENT MARKET. THE SUBJECT MERCHANDISE IS CURRENTLY CLASSIFIABLE UNDER HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") SUBHEADINGS:

4011.20.10.25,
4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00,
4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00,
4011.93.40.00, 4011.93.80.00, 4011.94.40.00, AND 4011.94.80.00.

WHILE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE IS DISPOSITIVE.

SPECIFICALLY EXCLUDED FROM THE SCOPE ARE NEW PNEUMATIC TIRES DESIGNED, MANUFACTURED AND OFFERED FOR SALE PRIMARILY FOR ON-HIGHWAY OR ON-ROAD USE, INCLUDING PASSENGER CARS, RACE CARS, STATION WAGONS, SPORT UTILITY VEHICLES, MINIVANS, MOBILE HOMES, MOTORCYCLES, BICYCLES, ON-ROAD OR ON-HIGHWAY TRAILERS, LIGHT TRUCKS, AND TRUCKS AND BUSES. SUCH TIRES GENERALLY HAVE IN COMMON THAT THE SYMBOL "DOT" MUST APPEAR ON THE SIDEWALL, CERTIFYING THAT THE TIRE CONFORMS TO APPLICABLE MOTOR VEHICLE SAFETY STANDARDS. SUCH EXCLUDED TIRES MAY ALSO HAVE THE FOLLOWING DESIGNATIONS THAT ARE USED BY THE TIRE AND RIM ASSOCIATION:

PREFIX LETTER DESIGNATIONS:

P - IDENTIFIES A TIRE INTENDED PRIMARILY FOR SERVICE ON PASSENGER CARS;

LT - IDENTIFIES A TIRE INTENDED PRIMARILY FOR SERVICE ON LIGHT TRUCKS; AND,
ST - IDENTIFIES A SPECIAL TIRE FOR TRAILERS IN HIGHWAY SERVICE.

SUFFIX LETTER DESIGNATIONS:

TR - IDENTIFIES A TIRE FOR SERVICE ON TRUCKS, BUSES, AND OTHER VEHICLES WITH RIMS HAVING SPECIFIED RIM DIAMETER OF NOMINAL PLUS 0.156" OR PLUS 0.250";

MH - IDENTIFIES TIRES FOR MOBILE HOMES;

HC - IDENTIFIES A HEAVY DUTY TIRE DESIGNATED FOR USE ON "HC" 15" TAPERED RIMS USED ON TRUCKS, BUSES, AND OTHER VEHICLES. THIS SUFFIX IS INTENDED TO DIFFERENTIATE AMONG TIRES FOR LIGHT TRUCKS, AND OTHER VEHICLES OR OTHER SERVICES, WHICH USE A SIMILAR DESIGNATION. EXAMPLE: 8R17.5 LT, 8R17.5 HC;

LT - IDENTIFIES LIGHT TRUCK TIRES FOR SERVICE ON TRUCKS, BUSES, TRAILERS, AND MULTIPURPOSE PASSENGER VEHICLES USED IN NOMINAL HIGHWAY SERVICE; AND

MC - IDENTIFIES TIRES AND RIMS FOR MOTORCYCLES.

THE FOLLOWING TYPES OF TIRES ARE ALSO EXCLUDED FROM THE SCOPE: PNEUMATIC TIRES THAT ARE NOT NEW, INCLUDING RECYCLED OR RETREADED TIRES AND USED TIRES; NON-PNEUMATIC TIRES, INCLUDING SOLID RUBBER TIRES; TIRES OF A KIND USED ON AIRCRAFT, ALL-TERRAIN VEHICLES, AND VEHICLES FOR TURF, LAWN AND GARDEN, GOLF AND TRAILER APPLICATIONS; AND, TIRES OF A KIND USED FOR MINING AND CONSTRUCTION VEHICLES AND EQUIPMENT THAT HAVE A RIM DIAMETER EQUAL TO OR EXCEEDING 39 INCHES. SUCH TIRES MAY BE DISTINGUISHED FROM OTHER TIRES OF SIMILAR SIZE BY THE NUMBER OF PLIES THAT THE CONSTRUCTION AND MINING TIRES CONTAIN (MINIMUM OF 16) AND THE WEIGHT OF SUCH TIRES (MINIMUM 1500 POUNDS).

NOTE I: AGRICULTURAL TRACTORS ARE FOURWHEELED VEHICLES USUALLY WITH LARGE REAR TIRES AND SMALL FRONT TIRES THAT ARE USED TO

TOW FARMING EQUIPMENT.

NOTE II: COMBINE HARVESTERS ARE USED TO HARVEST CROPS SUCH AS CORN OR WHEAT.

NOTE III: AGRICULTURAL SPRAYERS ARE USED TO IRRIGATE AGRICULTURAL FIELDS.

NOTE IV: INDUSTRIAL TRACTORS ARE FOURWHEELED VEHICLES USUALLY WITH LARGE REAR TIRES AND SMALL FRONT TIRES THAT ARE USED TO TOW INDUSTRIAL EQUIPMENT.

NOTE V: A LOG SKIDDER HAS A GRAPPLING LIFT ARM THAT IS USED TO GRASP, LIFT AND MOVE TREES THAT HAVE BEEN CUT DOWN TO A TRUCK OR TRAILER FOR TRANSPORT TO A MILL OR OTHER DESTINATION.

NOTE VI: SKIDSTEER LOADERS ARE FOURWHEEL DRIVE VEHICLES WITH THE LEFTSIDE DRIVE WHEELS INDEPENDENT OF THE RIGHTSIDE DRIVE WHEELS AND LIFT ARMS THAT LIE ALONGSIDE THE DRIVER WITH THE MAJOR PIVOT POINTS BEHIND THE DRIVER'S SHOULDERS. SKIDSTEER LOADERS ARE USED IN AGRICULTURAL, CONSTRUCTION AND INDUSTRIAL SETTINGS.

NOTE VII: HAUL TRUCKS, WHICH MAY BE EITHER RIGID FRAME OR ARTICULATED (I.E., ABLE TO BEND IN THE MIDDLE) ARE TYPICALLY USED IN MINES, QUARRIES AND CONSTRUCTION SITES TO HAUL SOIL, AGGREGATE, MINED ORE, OR DEBRIS.

NOTE VIII: FRONT LOADERS HAVE LIFT ARMS IN FRONT OF THE VEHICLE. IT CAN SCRAPE MATERIAL FROM ONE LOCATION TO ANOTHER, CARRY MATERIAL IN ITS BUCKET OR LOAD MATERIAL INTO A TRUCK OR TRAILER. NOTE IX: A DOZER IS A LARGE FOURWHEELED VEHICLE WITH A DOZER BLADE THAT IS USED TO PUSH LARGE QUANTITIES OF SOIL, SAND, RUBBLE, ETC., TYPICALLY AROUND CONSTRUCTION SITES. THEY CAN ALSO BE USED TO PERFORM "ROUGH GRADING" IN ROAD CONSTRUCTION.

NOTE X: A STRADDLE CARRIER IS A RIGID FRAME, ENGINEPOWERED

MACHINE THAT IS USED TO LOAD AND OFFLOAD CONTAINERS FROM CONTAINER VESSELS AND LOAD THEM ONTO (OR OFF OF) TRACTOR TRAILERS.

NOTE XI: A GRADER IS A VEHICLE WITH A LARGE BLADE USED TO CREATE A FLAT SURFACE. GRADERS ARE TYPICALLY USED TO PERFORM "FINISH GRADING." GRADERS ARE COMMONLY USED IN MAINTENANCE OF UNPAVED ROADS AND ROAD CONSTRUCTION TO PREPARE THE BASE COURSE ONTO WHICH ASPHALT OR OTHER PAVING MATERIAL WILL BE LAID.

NOTE XII: A COUNTERBALANCED LIFT TRUCK IS A RIGID FRAME, ENGINEPOWERED MACHINE WITH LIFT ARMS THAT HAS ADDITIONAL WEIGHT INCORPORATED INTO THE BACK OF THE MACHINE TO OFFSET OR COUNTERBALANCE THE WEIGHT OF LOADS THAT IT LIFTS SO AS TO PREVENT THE VEHICLE FROM OVERTURNING. AN EXAMPLE OF A COUNTERBALANCED LIFT TRUCK IS A COUNTERBALANCED FORK LIFT TRUCK. COUNTERBALANCED LIFT TRUCKS MAY BE DESIGNED FOR USE ON SMOOTH FLOOR SURFACES, SUCH AS A FACTORY OR WAREHOUSE, OR OTHER SURFACES, SUCH AS CONSTRUCTION SITES, MINES, ETC.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C570-913.

4. FIELD OFFICERS SHALL DISCONTINUE THE SUSPENSION OF LIQUIDATION FOR COUNTERVAILING DUTY PURPOSES ON ALL SHIPMENTS OF THE SUBJECT MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 04/15/2008. THE SUSPENSION OF LIQUIDATION WILL NOT BE RESUMED UNLESS AND UNTIL THE DEPARTMENT OF COMMERCE PUBLISHES A COUNTERVAILING DUTY ORDER IN THIS CASE. FIELD OFFICERS SHALL CONTINUE TO SUSPEND LIQUIDATION ON ALL SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION MADE DURING THE PERIOD 12/17/2007 THROUGH 04/14/2008 UNTIL THE CONCLUSION OF THIS COUNTERVAILING DUTY INVESTIGATION.

5. THE DISCONTINUATION DOES NOT AFFECT THE REQUIREMENTS OF A CASH DEPOSIT OR BOND ON ENTRIES SUBJECT TO THE SUSPENSION OF LIQUIDATION ANNOUNCED IN THE DEPARTMENT OF COMMERCE'S PRELIMINARY DETERMINATION IN THE COMPANION ANTIDUMPING DUTY INVESTIGATION OF CERTAIN NEW PNEUMATIC OFF-THE-ROAD TIRES FROM THE PEOPLE'S REPUBLIC OF CHINA.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O6: TP).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

DAVID M. GENOVESE

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party